

REMARKS

This amendment responds to the Office Action mailed October 12, 2005. Applicants have concurrently filed a one-month extension of time. Accordingly, Applicants respectfully submit that this response is being timely filed.

Claims 1-3, 5 and 7-19 were pending. Claim 19 was cancelled without prejudice by this amendment. Thus, Claims 1-3, 5 and 7-18 are currently pending.

CLAIM OBJECTIONS:

The Office Action objected to Claims 1-3 and 17-18 for various issues regarding antecedent basis. Appropriate corrections were made to these claims per suggestion of the Office Action. Reconsideration is respectfully requested.

CLAIM REJECTIONS:

1. **Claims 1 and 5 (Kanbar et al)**

Claims 1 and 5 were rejected pursuant to 35 USC §102(b) as being anticipated by Kanbar et al (U.S. Pat. No. 5,289,522). In particular, the Office Action claims that Kanbar et al discloses a horizontal bitewing holder with a mechanism for establishing a single use. Applicants respectfully traverse.

Claim 1 as amended requires, “a horizontal bitewing sensor holder having a mechanism for establishing a single use of the horizontal bitewing sensor holder by at least one of the following indicia: discoloration of the horizontal bitewing sensor holder or bite marks on the horizontal bitewing sensor holder.” The Office Action claims that Kanbar discloses a “mechanism for a single use” by disclosing

the use of single use film packets.” However, as shown in Claim 1, the single use mechanism is part of the horizontal bitewing sensor holder itself, not the sensor or film packet. The advantage of the current invention is that dentists will not be tempted to reuse sensor holders because they will become discolored or obtain bite marks from patients. Thus, the present invention encourages improved sanitation and patient confidence. This is not disclosed by Kanbar as the device 11 that holds the film packet is not a single use item. Reconsideration of this rejection is respectfully requested.

2. **Claim 13 (Tanaka)**

The Office Action rejected Claim 13 pursuant to 35 USC §102(b) as being anticipated by Tanaka (US 5,450,465). In particular, the Office Action claims that Tanaka discloses a tab and a gripping tab. Office Action, p. 4. Applicants respectfully traverse.

Claim 13 as amended requires “T-shaped” tabs. Tanaka discloses flat sheets laid over a film packet. Accordingly, the tabs if any are flat and are not “T-shaped.” Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference . . . There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991). The Office Action has

not identified the distinct elements and limitations from Claim 13 as being present in Tanaka. Reconsideration of this rejection is respectfully requested.

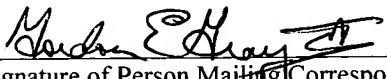
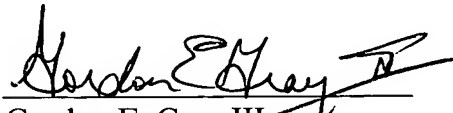
3. Claims 14 and 15 (McAuslan)

The Office Action rejected Claims 14 and 15 pursuant to 35 USC §102(b) as being anticipated by McAuslan (4,592,084). In particular, the Office Action claims that McAuslan discloses a flexible sleeve 16. Applicants respectfully traverse.

McAuslan discloses a “slot 16” at Col. 3, line 1 of the patent. In McAuslan, the slot 16 is mentioned only one other time at Col. 4, line 8. Neither of these mentions of the slot 16 indicates that the slot is flexible. Furthermore, Applicants dispute that “a slot” and “a sleeve” are synonymous. To clarify the difference between a slot and a sleeve, amended Claim 14 requires the sleeve have at least four sides. The slot 16 in McAuslan does not have four sides. Reconsideration of this rejection is respectfully requested.

CONCLUSION

Applicants believe that this case is in good condition for allowance, and a Notice of Allowance is earnestly solicited. If a telephone or further personal conference would be helpful, the Examiner is invited to call the undersigned, who will cooperate in any appropriate manner to advance prosecution.

<p>I hereby certify that the above correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on February 7, 2006.</p> <p><u>Gordon E. Gray III</u> Typed or Printed Name of Person Mailing Correspondence</p> <p> Signature of Person Mailing Correspondence</p>	<p>Respectfully submitted,</p> <p> Gordon E. Gray III Reg. No. 42,602 GRAY LAW FIRM 4401 N. Atlantic Ave., Suite 233 Long Beach, CA 90807 Telephone: (562) 984-2020 Facsimile: (562) 984-2019</p>
---	---